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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,504	02/22/2002	Artur Schworer	MFA-14502/04	9973

25006 7590 04/11/2003

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EXAMINER

CHIN SHUE, ALVIN C

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 04/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/081,504

Applicant(s)

SCHWORER, ARTUR

Examiner

Alvin C. Chin-Shue

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. The claims are replete with, and too numerous to point out, limitations lacking antecedent basis, e.g. “the relevant plate”, “the same height”, “the end remote from the stop”, “the position of use”, these are examples as set forth in claim 1; “the two guide stops”, as set forth in claim 2; similarly the claims are replete with vague limitations, e.g. “preferably”, limitations in “- -”; the limitation “as set forth in this claim”, as set forth in claim 20, renders the claim indefinite.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,4,5,9-15, and 17-21, as understood and assuming to be definite, are rejected under 35 U.S.C. 103(a) as being unpatentable over German pat. '566 to Miller in view of Waters. Miller shows the claimed scaffold with the exception of the end hooks. Waters shows end hooks attached to recessed end portion of a platform for anchoring the end portion of the platform to horizontal carriers that are parallel to and adjacent to the end portion of the platform. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the end portion of the platform of Miller to comprise end hooks for anchoring the end portion of the platform to his parallel adjacent horizontal carriers.

Claims 1-15, and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over German pat. '566 to Miller in view of Waters and Erckhoff. Miller shows the claimed scaffold with the exception of the end hooks and the plurality of guide stops. Waters shows end hooks attached to recessed end portion of a platform for anchoring the end portion of the platform to horizontal carriers that are parallel to and adjacent to the end portion of the platform. Erckhoff at 71 shows a plurality of hook-like guide stops on side portions of a platform for engaging over a supporting frame side rails. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the end

portion of the platform of Miller to comprise end hooks for anchoring the end portion of the platform to his parallel adjacent horizontal carriers and to comprise plural hooks, in lieu of his single hook member at 11, to enable intermittent side support of the side of his platform to his side horizontal carriers.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Miller and Waters, or Miller, Waters, and Erckhoff, as applied to claim 4 above, and further in view of Randjelovic. Randjelovic at 25,26 shows hook and eye connection for securing adjacent sides of a platform. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller of comprise a hook and eye connection, as claimed, for securing adjacent sides of a like platform.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Miller and Waters, or Miller, Waters, and Erckhoff, as applied to claim 4 above, and further in view of Schworer. Schworer shows a rose connector for attaching horizontal carriers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the vertical members of Miller to comprise rose connectors for attaching horizontal carriers to his vertical members.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is

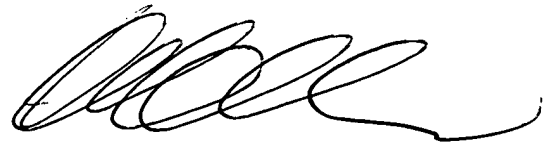
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703-308-2475. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-3008-1113.



Alvin C. Chin-Shue
Primary Examiner
Art Unit 3634

ACS
April 4, 2003